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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORLTAND DIVISION

**OREGON NATURAL DESERT ASS’N
and GREAT OLD BROADS FOR
WILDERNESS,**

Case No. 09-CV-862-PK

Plaintiffs,

**MOTION FOR VOLUNTARY
DISMISSAL**

v.

JOAN SUTHER, Field Manager,
Andrews Resource Area, BLM, *et al.*,

Defendants.

Pursuant to Federal Rule of Civil Procedure 41(a)(2), plaintiffs Oregon Natural Desert Association and the Great Old Broads for Wilderness (collectively, “ONDA”) move for a voluntary dismissal of this action based on the fact that the parties have reached and executed a Settlement Agreement. The Settlement Agreement is conditioned upon ONDA filing a motion for voluntary dismissal advising the Court that BLM has issued a rehabilitation decision consistent with the Agreement, ONDA withdrawing its administrative appeal of that decision,

and this motion requesting that the Court incorporate the Agreement into any final order or judgment granting this motion and dismissing this action. *See Settlement Agreement* (Attachment to Exhibit A) at Sec. VI. Based on the Settlement Agreement, ONDA has satisfied its conferral obligation under Local Rule 7.1(a)(1), and ONDA respectfully requests that this Court issue an Order of Dismissal that incorporates the parties' Settlement Agreement, provides that the Court will have continuing jurisdiction to enforce the terms of the Settlement Agreement, and dismisses the matter and closes the docket. A Proposed Order is attached as Exhibit A to this motion.

As further background and pursuant to Section VI of the Settlement Agreement, ONDA states as follows:

1. As described in the parties' second Joint Status Report (Dkt # 55), on May 14, 2010 the parties participated in a settlement conference presided over by the Honorable Thomas M. Coffin. They reached a verbal settlement agreement at the conclusion of that conference. The details of the verbal settlement agreement were entered on the record on May 14, subject to the parties' reservation of their rights to reduce to writing, review and confirm the terms agreed upon. Judge Coffin indicated that the Court would retain jurisdiction for any disputes that might arise over the substance of the settlement agreement. *See* Dkt # 45.

2. On July 14, 2010, defendants Joan Suther *et al.* (hereafter "BLM") issued a decision record ("DR") regarding rehabilitation efforts, in compliance with the agreed deadline for doing so. BLM's final decision is in accord with the elements set forth in sections I.A and I.B of the Settlement Agreement.

3. By notice filed with the U.S. Department of the Interior's Board of Land Appeals and dated August 27, 2010, ONDA has withdrawn its August 13, 2010 administrative appeal of the DR.

Because the settlement of this matter is desirable to both parties, the terms of the settlement giving rise to this motion and the terms of the requested dismissal order are proper, and settlement without further litigation conserves judicial resources, ONDA respectfully submits that good cause exists to grant this motion.

Respectfully submitted this 27th day of August, 2010.

s/ Peter M. Lacy

Peter M. Lacy (OSB # 01322)
Oregon Natural Desert Association

Of Attorneys for Plaintiffs